

IN THE CIRCUIT COURT OF CARROLL COUNTY, ARKANSAS
WESTERN DISTRICT
CIVIL DIVISION



TANIA HIGDON and MARK HIGDON,
HUSBAND AND WIFE

PLAINTIFFS

v.

NO. 08WCV 19- 18

CLINTON BARTLETT

DEFENDANT

COMPLAINT
JURY DEMANDED

Come Now the Plaintiffs Tania Higdon and Mark Higdon, Husband and Wife, by and through their attorney, Tim S. Parker of Parker Law Firm, for their Complaint against the defendant and states as follows:

1. Plaintiffs Tania Higdon and Mark Higdon were, at all times material to this cause of action, residents of the Western District of Carroll County, Arkansas with an address of 396 CR 241, Eureka Springs, Arkansas 72632. At all times material to this cause of action, Tania Higdon and Mark Higdon lived and resided at this address in the Western District of Carroll County, Arkansas.

2. Defendant Clinton Bartlett is a resident of the State of Arkansas with an address of 36½ Spring Street, Eureka Springs, Arkansas 72632. According to the Carroll County Clerk, Bartlett is a registered voter in Carroll County, Arkansas.

3. This is a complaint for the personal injuries and property damages suffered by Plaintiffs Tania Higdon and Mark Higdon as a result of a motor vehicle accident that occurred on or about March 14, 2016 on Highway 12 in Madison County, Arkansas when a vehicle driven by

EXHIBIT

A

the defendant rear ended a vehicle driven by Tania Higdon. The vehicle driven by Tania Higdon was owned by her husband, Mark Higdon. This court has personal jurisdiction over all parties of this cause of action by virtue of the fact that the motor vehicle accident at issue occurred in the State of Arkansas. This court has subject matter jurisdiction pursuant to Amendment 80 of the Arkansas Constitution. Venue is proper in the Eastern District of Carroll County Arkansas pursuant to the Civil Justice Reform Act of 2003 and ACA§ 16-60-112 (c).

**CAUSE OF ACTION #1
NEGLIGENCE RESULTING IN PERSONAL INJURIES AND PROPERTY DAMAGE**

4) On or about March 14, 2016 Defendant Clifton Bartlett was operating a motor vehicle on Highway 12 in Madison County, Arkansas. At the same time the Plaintiff Tania Higdon was also operating her husband's vehicle on Highway 12 in Madison County, Arkansas. Both vehicles were headed in the same direction on Highway 12. Defendant Clifton was driving too fast and/or following too close to Tania Higdon's vehicle and rear the vehicle driven by Tania Higdon causing damage to the vehicle and severe personal injuries to Tania Higdon as well.

5) The actions and omissions of Defendant Clifton Bartlett in the operation of the vehicle he was driving constitute negligence and were a direct, proximate cause of the resulting collision and the injuries and damages to Tania Higdon. More specifically, Defendant Clifton Bartlett was negligent in the operation of the vehicle he was driving as follows:

- a) Failing to keep a proper lookout;
- b) Failing to maintain control of his vehicle
- c) Driving too fast for conditions or in violation of the applicable speed limit;
- d) Failing to Yield to the vehicle in front of him;
- g) Following the vehicle in front of him too closely
- e) Otherwise failing to use ordinary care under the circumstances

6. As a direct, proximate result of the negligence of Clinton Bartlett, the Plaintiffs Tania Higdon and Mark Higdon have suffered, or will in the future suffer, the following injuries and damages to which they are entitled to compensation:

- a) Injuries and damages to Tania Higdon's body;
- b) Medical, surgical, hospitalization, dental, health care and rehabilitation expenses of Tania Higdon;
- c) Lost wages and income and loss of earning capacity of Tania Higdon;
- d) Pain, suffering, mental anguish and emotional distress of Tania Higdon;
- e) Damages to Mark Higdon's vehicle;
- f) Loss of use of Mark Higdon's vehicle including a reasonable rental value;
- g) Towing and storage expenses associated with Mark Higdon's vehicle;
- e) All other damages recoverable at law

7. Plaintiffs Tania Higdon and Mark Higdon demand trial by jury on these causes of action.

**CAUSE OF ACTION No. 2
LOSS OF CONSORTIUM**

8. Paragraphs one (1) through seven (7) are realleged and incorporated by reference as if set out fully herein.

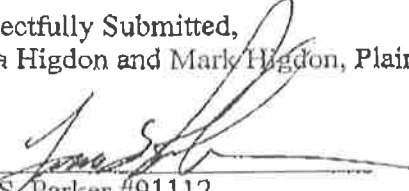
9. At all times material to this cause of action, Plaintiffs Mark Higdon and Tania Higdon lived together as husband and wife and enjoyed all the benefits of the marital relationship.

10. As a direct, proximate result of the negligence charged to the defendant and the injuries suffered by his wife Tania Higdon, Plaintiff Mark Higdon has suffered and will in the future continue to suffer a loss of the services, society and companionship of his wife. Plaintiff Mark Higdon is entitled to compensatory damages as a result.

11. Plaintiffs Tania Higdon and Mark Higdon demand trial by jury on all issues presented by this lawsuit.

Wherefore, premises considered, Plaintiffs Tania Higdon and Mark Higdon pray for judgment in their favor for compensatory damages in the amount of two hundred fifty thousand dollars (\$ 250,000.00) for Tania Higdon and seventy- five thousand dollars (\$75,000.00) for Mark Higdon, or other amounts that may be determined to be appropriate by a trier of fact, for their court costs, attorney fees, and any and all other just and proper relief. They also demand trial by jury on all issues presented by this lawsuit.

Respectfully Submitted,
Tania Higdon and Mark Higdon, Plaintiffs

By: 
Tim S. Parker #91112
Parker Law Firm
P.O Box 470
104 Spring Street
Eureka Springs, Arkansas 72632
Ph: (479)253-8732
Fax: (479)253-8539
parkerlawfirm@sbcglobal.net

IN THE CIRCUIT COURT OF CARROLL COUNTY, ARKANSAS
WESTERN DISTRICT
CIVIL DIVISION

TANIA HIGDON and MARK HIGDON,
HUSBAND AND WIFE

PLAINTIFFS

v.

NO. 08WCV 19- 18

CLINTON BARTLETT

DEFENDANT

PLAINTIFFS' REQUESTS FOR ADMISSIONS

Comes now Plaintiffs Tania Higdon and Mark Higdon by and through their attorney, Tim S. Parker of Parker Law Firm, pursuant to Rule 36 of the Arkansas Rules of Civil Procedure, propound the following Requests for Admissions to the defendant to be answered within the time and manner required by law:

REQUEST NO. 1: Please admit that as of February 26, 2019 you were a registered voter of Carroll County, Arkansas.

REQUEST NO. 2: Please admit that the address you listed when you registered to vote in Carroll County, Arkansas was 36 ½ Spring Street, Eureka Springs, Arkansas 72632.

REQUEST NO. 3: Please admit that on March 14, 2016 you were the driver of a vehicle that rear ended a vehicle driven by Tanla Higdon.

FILED FOR RECORD
RAMONA WILSON
CIRCUIT CLERK
2019 APR 11 PM 4:06
CARROLL COUNTY, ARKANSAS
WESTERN DISTRICT

REQUEST NO. 4: Please admit that the motor vehicle collision you had with Tania Higdon on March 14, 2016 was not caused any acts of negligence of Tania Higdon.

REQUEST NO. 5: Please admit that the motor vehicle collision you had with Tania Higdon on March 14, 2016 was due entirely to your negligence.

Respectfully Submitted,
Tania Higdon and Mark Higdon,
Plaintiffs

By: 

Tim S. Parker #91112
Parker Law Firm
P.O Box 470
104 Spring Street
Eureka Springs, Arkansas 72632
Ph: (479)253-8732
Fax: (479)253-8539
parkerlawfirm@sbcglobal.net

No. 18 This summons is for Clinton Bartlett (name of Defendant).

PROOF OF SERVICE

Entered Hotel 37 N Main St. Eureka Springs Ar 72035 I personally delivered the summons and attached complaint to Clinton Bartlett at Grand [place] on 015 119 @ 1900 [date]; or

☐ I left the summons and complaint in the proximity of the individual by _____ after he/she refused to receive it when I offered it to him/her; or

☐ I left the summons and complaint at the individual's dwelling house or usual place of abode at _____ [address] with _____ [name], a person at least 14 years of age who resides there, on _____ [date]; or

☐ I delivered the summons and complaint to _____ [name of individual], an agent authorized by appoint or by law to receive service of summons on behalf of _____ [name of defendant] on _____ [date]; or

☐ I am the plaintiff or an attorney of record for the plaintiff in a lawsuit, and I served the summons and complaint on the defendant by certified mail, return receipt requested, restricted delivery, as shown by the attached signed return receipt.

☐ I am the plaintiff or attorney of record for the plaintiff in this lawsuit, and I mailed a copy of the summons and complaint by first-class mail to the defendant together with two copies of a notice and acknowledgment and received the attached notice and acknowledgment form within twenty days after the date of mailing.

☐ Other [specify]: _____

☐ I was unable to execute service because: _____

My fee is \$ 55.00

To be completed if service is by a sheriff or deputy sheriff:

Date: _____ SHERIFF OF _____ COUNTY, ARKANSAS

By: _____
[signature of server]

[printed name, title, and badge number]

To be completed if service is by a person other than a sheriff or a deputy sheriff:

Date: 6/5/19

By: Angel M Williams
[signature of server]

Angel M Williams Process Server
[printed name]
Carroll Co Civil Process

Address: PO Box 9600

Beeryville Ar 72616

Phone: 8709196768

Subscribed and sworn to before me this date: _____

[Notary Public]

My Commission Expires:

Additional information regarding service or attempted service:

*seruf*IN THE CIRCUIT COURT OF CARROLL COUNTY
CIVIL DIVISION
WESTERN DISTRICTTANIA HIGDON and MARK HIGDON,
HUSBAND AND WIFE

PLAINTIFFS

v.

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CLINTON BARTLETT

DEFENDANT

SUMMONS

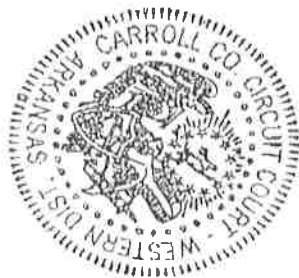
THE STATE OF ARKANSAS TO DEFENDANT: Clinton Bartlett, 36½ Spring Street, Eureka Springs, Arkansas 72632

A lawsuit has been filed against you. The relief demanded is stated in the attached complaint. Within 30 days after service of this summons on you (not counting the day you received it or 60 days if you are incarcerated in any jail, penitentiary, or other correctional facility in Arkansas). You must file with the clerk of this court a written answer to the complaint or a motion under Rule 12 of the Arkansas Rules of Civil Procedure.

The answer or motion must also be served on the plaintiff's attorney, whose name and address are: Tim Parker, Parker Law Firm, and P.O. Box 470, Eureka Springs, Arkansas 72632.

If you fail to respond within the applicable time period, judgment by default may be entered against you for the relief demanded in the complaint.

Additional Notices: Interrogatories and Requests for Production of Documents



Ramona Wilson
Circuit Clerk
Carroll County Courthouse
44 S. Main Street, P.O. Box 109
Eureka Springs, Arkansas 72632

By: *Christine Baston, DC*Date *3/13/19*

[SEAL]

FILED FOR RECORD
RAMONA WILSON
CIRCUIT CLERK

2019 JUN 20 PM 1:44

CARROLL COUNTY, ARKANSAS
WESTERN DISTRICT

IN THE CIRCUIT COURT OF CARROLL COUNTY, ARKANSAS
WESTERN DISTRICT - CIVIL DIVISION

TANIA HIGDON and MARK HIGDON,
Husband and Wife

PLAINTIFFS

vs.

Case No. 08WCV-19-18

CLINTON BARTLETT

DEFENDANT

ANSWER TO PLAINTIFFS' COMPLAINT

COMES Defendant, Clinton Bartlett, by and through his attorneys, Barber Law Firm PLLC, and for his Answer to Plaintiffs' Complaint, states:

1. Defendant generally and specifically denies each and every material allegation contained in Plaintiffs' Complaint not hereinafter admitted.
2. Defendant admits Plaintiffs are residents of Carroll County, Arkansas, as set forth in paragraph 1 of Plaintiffs' Complaint.
3. Defendant denies paragraph 2 of Plaintiffs' Complaint. Specifically pleading Defendant, at the time of the filing of this lawsuit on March 13, 2019, was and still is a resident of the state of Arizona.
4. Defendant denies all other allegations of fault or negligence set forth in paragraphs 3, 4, 5, 5a), 5b), 5c), 5d), 5g), 5e), and all claims of negligence and damages contained in paragraphs 6, 6a), 6b), 6c), 6d), 6e), 6f), 6g), 6e), and all allegations of loss of consortium as alleged in paragraphs 9 and 10 of Plaintiffs' Complaint.
5. Defendant specifically and affirmatively pleads comparative fault as a partial or complete bar to any recovery and further pleads failure to mitigate as a partial or complete bar to recovery.

6. Defendant further pleads accord and satisfaction/prior settlement on the claim for property damage as alleged in Plaintiffs' Complaint.

7. Defendant requests a trial by jury.

WHEREFORE, having fully answered, Defendant Clinton Bartlett, prays that Plaintiffs' Complaint be dismissed against him, for his costs and expenses incurred herein, and for any and all other just and proper relief to which he may be entitled.

Respectfully submitted,

BARBER LAW FIRM PLLC
425 W. Capitol Avenue, Suite 3400
Little Rock, AR 72201
501-372-6175
501.375.2802 -- fax

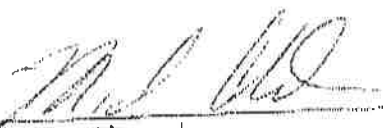
By: 

Michael L. Alexander #80002
ATTORNEY FOR DEFENDANT
malexander@barberlawfirm.com

CERTIFICATE OF SERVICE

I, Michael L. Alexander, hereby state that I have served a copy of the above pleading to the following on the 20 day of June, 2018, via U.S. Mail.

Tim S. Parker, Esq.
Parker Law Firm
P.O. Box 470
104 Spring Street
Eureka Springs, AR 72632
Attorney for Plaintiffs


Michael L. Alexander